11 12 13 14 15 16 17 18 19 20 21 22	JAMES E. LYONS (State Bar No. 112582) AMY S. PARK (State Bar No. 208204) SKADDEN, ARPS, SLATE, MEAGHER & FLO Four Embarcadero Center San Francisco, California 94111-4144 (415) 984-6400 (415) 984-2698 (fax) ilyons@skadden.com apark@skadden.com Attorneys for Defendant Chiron Corporation JEFF S. WESTERMAN (State Bar. No. 94559) MILBERG WEISS BERSHAD & SCHULMAN LLP 355 South Grand Avenue, Suite 4170 Los Angeles, California 90071-3172 (213) 617-1200 (213) 617-1975 UNITED STATES DI NORTHERN DISTRICT SAN FRANCISC RICHARD GREGORY, On Behalf of Himself and All Others Similarly Situated, Plaintiff, v. CHIRON CORPORATION, HOWARD H. PIEN, JOHN A. LAMBERT, and DAVID V. SMITH, Defendants.	STRICT COURT Γ OF CALIFORNIA
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	STIPULATION AND [PROPOSED] ORDER VACATING DATES - C-04-4293-VRW	

WHEREAS, on March 23, 2005, this Court entered a Case Management Conference Order in this action, scheduling various conferences and hearings, setting various deadlines, including discovery cut-off, and setting the trial date. The dates and deadlines in the Case Management Conference Order were dependent upon settlement of the pleadings, which, at the time the Case Management Conference Order was entered, had not been settled.

WHEREAS, on April 14, 2005, Lead Plaintiff filed its Consolidated Amended Complaint pursuant to the Case Management Conference Order;

WHEREAS, defendants filed motions to dismiss the Consolidated Amended Complaint; the Court held a hearing on defendants' motions to dismiss and ordered further briefing on the issues; the parties completed the supplemental briefing on August 19, 2005; and the motions have been taken under submission and are currently pending before the Court;

WHEREAS, because defendants' motions to dismiss are still pending and the pleadings therefore have not been settled, the parties agree that they are unable to comply with the various dates and deadlines in the Case Management Conference Order;

WHEREAS, the parties have therefore agreed to request that the Court vacate the dates and deadlines set forth in the Case Management Conference Order and to re-set all such dates following the settlement of the pleadings;

NOW, THEREFORE, the parties stipulate and agree, and the Court hereby orders, as follows:

The dates and deadlines set forth in the Court's March 23, 2005 Case Management Conference Order are hereby vacated. The Court will re-set such dates and deadlines following settlement of the pleadings.

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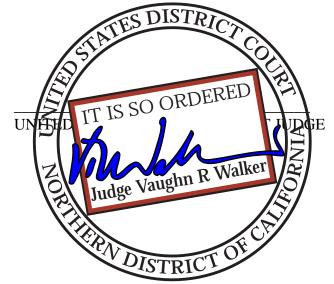
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ORDER

Having read and considered the parties' Stipulation and [Proposed] Order Vacating Dates,

IT IS SO ORDERED.

DATED: <u>April 10</u>, 2006



DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

- 1. That declarant is and was, at all times herein mentioned, a resident of the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 4 Embarcadero Center, Suite 3800, San Francisco, California 94111.
- 2. That on March 30, 2006, declarant served STIPULATION AND [PROPOSED] ORDER VACATING DATES by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.
- 3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of March, 2006, at San Francisco, California.

/s/ Wayne Campbell	
WAYNE CAMPBELL	

1 **SERVICE LIST** Lead Counsel for the Class 3 JEFF S. WESTERMAN MILBERG WEISS BERSHAD MILBERG WEISS BERSHAD & SCHULMAN LLP & SCHULMAN LLP MELVYN I. WEISS 355 South Grand Avenue, Suite 4170 ELAINE S. KUSEL One Pennsylvania Plaza Los Angeles, California 90071-3172 New York, NY 10119-0165 (213) 617-1200) Tel: Telephone: (212) 594-5300 (213) 617-1975 Fax: Facsimile: (212) 868-1229 8 9 10 11 **12** 13 14 15 **16 17 18** 19 **20** 21 22 23 24 25 26 27 **28**